

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ANTONIO CAPELLO *et al.*,

Plaintiffs,

v.

MARK SELING *et al.*,

Defendants.

Case No. C02-5242RBL

ORDER ADOPTING REPORT
AND RECOMMENDATION
REGARDING PLAINTIFF
DALE DAVIS

The Court, having reviewed plaintiff's complaint, and the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff Dale Davis's cause of action is **DISMISSED WITH PREJUDICE** for the reasons outlined in the Report and Recommendation.
- (3) The Clerk is directed to send copies of this Order to plaintiffs, counsel for defendants, and to the Hon. Karen L. Strombom.

DATED this 27th day of September, 2005.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE